REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1, 3-12 and 20-24 will be pending in the application subsequent to entry of this Amendment.

Claims 15-19 directed to non-elected subject matter and withdrawn from consideration have been deleted, this action taken without prejudice or disclaimer.

The issues raised in the outstanding Official Action deal with the wording of selected claims and also written description issues.

As to the comments directed to claims 5, 6 and 10 and the "and/or" expression, these claims have been amended in order to express the same subject matter but without the "offending" and/or terminology. As will be apparent there is no added subject matter involved relating to these adjustments and clarifications of claims 5, 6 and 10.

All of the previously examined claims stand rejected as failing to comply with the written description requirement and in particular to claims 1 and 23, from which the various remaining claims depend.

The Examiner argues that the amended claims filed with the previous response of July 31, 2009 contain subject-matter which was not disclosed in the originally filed documents. It is asserted that the application only provides basis for a second film having (211) crystallographic orientation, but not for a first film having (211) crystallographic orientation. A closer, more comprehensive review of the overall disclosure will prove otherwise.

When this is done it will be apparent that the combination of a first film having (211) crystallographic orientation and a second film having (211) crystallographic orientation can be directly derived from the specification at page 2, lines 20-27, wherein it is mentioned that under certain conditions a first film can have a dominant (211) orientation, after which a next film which is applied onto the first film inherits the dominant (211) orientation. This inevitably results in a first and second film, which both have a dominant (211) orientation. Hence, as one skilled in the art will immediately appreciate the embodiment wherein both the first and second films have a dominant (211) orientation is implicitly disclosed in the present application.

Further evidence of this will be apparent in Figure 3, which shows the XRD spectrum of a double-layer coating according to the invention and the description thereof in the international publication, at page 6, lines 21-28. In the Figure the (211) orientation is present with preference

over the (110) and (200) orientation. This is a clear indication that the film deposited later with the low dopant concentration (second film) "inherits" its preferred crystallographic orientation from the film deposited first with the high dopant concentration (first film).

In view of these passages in the present application it will be apparent that the terminology employed in claims 1 and 23 is consistent with the description of the invention for the reasons logically and comprehensively explained above. Reconsideration is requested. Should the examiner prefer adjustments to the specification or different wording to be employed, then please contact the undersigned to discuss.

There are no prior art-based rejections. The Examiner admits that the prior art dose not teach or suggest two films on top of each other with both films having a (211) dominant orientation (Office Action, page 4, first sentence under item 9). Nevertheless, he makes reference to the following four publications on which the applicant comments as follows:

JP-A-11 298 018 (Yoshimine *et al.*) discloses a transparent conductive film that is formed on a substrate. The transparent conductive film has either (211) or (301) orientation. There is no disclosure or suggestion in this document of two transparent conductive oxide layers on top of each other, wherein both films have a dominant (211) orientation, let alone in the particular thicknesses as presently claimed.

JP-A-02 231 773 (Shirato *et al.*) deals with optimising the plasma-resistant performance and efficiency of amorphous solar cells by setting the diffraction intensities of the diffraction peaks from the three faces of 110, 200, 211 in the X-ray diffraction patterns of a transparent electrode comprising tin oxide. Also, this document does not disclose or suggest two transparent conductive oxide layers on top of each other, both having a dominant (211) orientation, let alone in the particular thicknesses as presently claimed.

JP-A-02 067 797 (Adachi *et al.*) describe a transparent conductive base for solar cells, wherein a first transparent conducting film has (110) orientation and a second transparent conducting film has (200) orientation. This document thus teaches away from the present invention, by suggesting the use of two layers with different crystallographic orientation, none of them being a (211) orientation.

US-B-6 218 018 describes a solar control glass wherein a glass substrate can be coated with a first tin layer having a thickness of 80-300 nm and doped with 2-8 wt.% of a dopant such

as antimony or niobium. This document is completely silent with respect to the crystallographic orientation of the layers.

For the above reasons it is respectfully submitted that all pending claims are directed to patentable subject matter and are based upon an appropriate written description of the invention. Should the examiner require further information or wish to discuss this application in more detail, please contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: //Arthur R. Crawford//
Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100